

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants: James V. Albanese et al.

Serial No.: 09/656,769

Filed: 09/07/2000

For: PILE WEATHERSTRIPPING

Examiner: Jennifer A. Boyd

Art Unit: 1771

Atty. Docket: ULB-002

DECLARATION OF DAVID N. HAWKINS

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

David N. Hawkins, under penalty of perjury, declares as follows:

- 1.) I am one of the inventors who made the invention described and claimed in the above-identified application;
- 2.) I have read the Examiner's statements concerning her understanding of the pile weatherstripping described and claimed in the above-identified application;
- 3.) The Examiner discusses the Johnson patent, U.S. Patent No. 5,817,390. This patent is assigned to Ultrafab, Inc., which makes thousands of lineal feet of weatherstripping every day which is of the type described and claimed in the Johnson patent. The method by which the Johnson weatherstripping is made is to the use of a mandrel as described in his patent and in the Horton patent, U.S. Patent No. 4,302,494. It is impossible to make more than two strips of weatherstripping at one time because of the need to wind the yarn on a mandrel and then slit the yarn into two sections. It is also impossible to make pile which inherently is tensioned so as to lie flat in accordance with the Johnson and Horton patents.
- 4.) Enclosed is a model indicated as Exhibit A, showing a piece of flat, resilient pile weatherstrip, a portion of which has been assembled into a simulated extrusion member. It is noted that the pile/locking fin weatherstrip assembly lies flat as manufactured, and if bent in the center and released, tends to restore itself to its initially flat condition. To assemble the flat pile into the extrusion tee slot, the pile assembly must

be centered on the tee slot. A roller tool forces the two (2) legs of the flat pile down into the tee slot. There, the thin locking strip snaps tightly into the interior steps of the tee slot. The locking fin prevents the weatherstrip from sliding longitudinally in the slot. This feature is of utmost importance to window and door manufacturers. Secondly, the pile, which has inherent resiliency, is held upright as it bears against the inside edges of the extrusion throat, also secondary very thin fins follow suit. The enclosed model, Exhibit B, is of pile weatherstripping in accordance with the Johnson Patent. There, the pile is made so that the side-by-side parts of the pile are upright and tend to stay upright. By upright, I mean the pile sections are perpendicular to the backing. In addition, there is tension in the pile, which causes the pile to stay upright. It is impossible for the pile in Exhibit B to lie flat. The ultrasonic welding of the pile and the backing to each other heat-sets the pile so that the pile sections are upright. The fins on the outside and inside of the Johnson pile will not, if removed, cause the pile to lie flat. It is the inherent characteristic of the upright pile of the Johnson Patent as is apparent from Exhibit B to have an upright pile. Furthermore, it will be noticed that the weatherstrip is not locked into the tee slot, which is very undesirable.

5.) Nothing in Johnson type pile weatherstripping or in either of the Johnson patents, 4,404,487 and 5,817,390 or in any other patent of which I am aware, all of which are concerned with permanently set upright piles led to the invention of the flat pile concept for pile weatherstripping in accordance with the above-identified application.

6.) I have been involved in the weatherstripping industry for over twenty years and have never encountered flat pile weatherstripping or any flat pile weatherstripping product before the invention described in the above application.

7.) The flat pile concept enables Ultrafab, Inc. to increase the rate of production of weatherstrip. More than two flat pile pieces can be made simultaneously. The flat pile concept also has the feature of being a self-locking weatherstrip which once inserted in the extrusion does not move longitudinally, which eliminates falling out of the weatherstripping from the extrusion during manufacture of windows and doors and in actual use. These and other advantages and contributions to weatherstrip technology result from the invention of the above-identified application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

David N. Hawkins

David N. Hawkins

12/10/02

Date